

STATE OF NEW HAMPSHIRE  
BY HIS EXCELLENCY  
JOHN H. LYNCH, GOVERNOR

Executive Order 2006-1  
Providing Emergency Prescription Drug Relief

WHEREAS, the State of New Hampshire values the public health and welfare of its senior citizens who constitute dually eligible beneficiaries under the Medicare Modernization Act, Part D;

WHEREAS, over the course of the last several days, the systems used by the federal government to process prescription benefits for dually eligible beneficiaries have failed;

WHEREAS, pharmacies across the State of New Hampshire have been unable to process the sales of covered prescription drugs to dually eligible beneficiaries;

WHEREAS, many dually eligible beneficiaries in this State have been unable to obtain medications that are necessary for their health, welfare and safety;

WHEREAS, this circumstance has created a threat to the safety and welfare of the inhabitants of this state that requires an invocation of Governor Lynch ' s emergency powers pursuant to RSA 4:45;

WHEREAS, this declaration of a state of emergency shall apply throughout the State of New Hampshire and shall be in duration for 10 days to allow a sufficient opportunity for the General Court to enact remedial legislation;

NOW, THEREFORE, I, JOHN H. LYNCH, Governor of the State of New Hampshire, by the authority vested in me by part II, article 41 of the New Hampshire Constitution do hereby order the following:

1. That the commissioner of health and human services shall provide supplemental assistance with the purchase of drugs and other pharmaceutical services, which shall be available to persons who are eligible for benefits under both medicaid and medicare. The supplemental pharmacy assistance shall be designed to provide temporary aid during the period of transition to the new pharmacy benefit under Part D of the federal medicare program; and
2. That the commissioner, to the extent possible, shall seek reimbursement from the medicare preferred drug plans and from medicare, Medicaid or any other federal program for the expenditures incurred in the provision of the supplemental pharmacy assistance. The department of health and human services may seek reimbursement from persons receiving assistance for the costs of the pharmaceutical services to the extent they otherwise would have had to pay if provided benefit under medicare.

Given under my hand and seal at the Executive Chambers in Concord, this 6th day of January, in the year of our Lord, two thousand and six.

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Governor of New Hampshire.